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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

8
9 UNITED STATES OF AMERICA,) CASE NO: 2:14-CR-00023-GMN-NJK
10 Plaintiff,)
11 vs.)
12) **STIPULATION TO CONTINUE**
13) **CALENDAR CALL AND TRIAL DATE**
14 JAMES ALVA,)
15)
16 Defendant.)
17 _____)

18 IT IS HEREBY STIPULATED AND AGREED by and between DANIEL G. BOGDEN,
19 United States Attorney, and CRISTINA SILVA, counsel for the United States of America; and
20 ROBERT M. DRASKOVICH, counsel for Defendant, JAMES ALVA, that the calendar call
21 currently scheduled for August 3, 2015 at the hour of 9:00 a.m. and the trial currently scheduled
22 for August 10, 2015 at 8:30 a.m. be vacated for at least sixty (60) days and set to a date and time
23 convenient to the Court.

24
25 This Stipulation is entered into for the following reasons:
26
27 1. Parties require additional time to resolve the instant case without the necessity of trial.
28 2. Motions are still pending to be heard by this Honorable Court.

3. Additionally, Counsel for Defendant will be out of the jurisdiction July 22, 2015 through August 5, 2015.

4. Defendant is in custody and does not object to the request for continuance.

5. The government does not oppose the request for the continuance.

6. Denial of this request for continuance would deny counsel for the defendant

sufficient time within which to be able to effectively and thoroughly research this case, taking into account the exercise of due diligence.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

8. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and 3161(h)(8)(B)(iv).

This is the sixth request to continue trial date filed herein.

DATED this 7th day of July, 2015.

DANIEL G. BOGDEN
UNITED STATES ATTORNEY

Robert M. Draskovich

Cristina Silva

/S/
ROBERT M. DRASKOVICH, ESQ.
Nevada Bar No. 6275
Attorney for Defendant

/s/
CRISTINA SILVA
Assistant United States Attorney

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9 UNITED STATES OF AMERICA,) CASE NO: 2:14-CR-00023-GMN-NJK
10 Plaintiff,)
11)
12 vs.)
13) ***FINDINGS OF FACT, CONCLUSIONS***
14) ***OF LAW, AND ORDER***
15)
16 Defendant.)
17 _____)

18 Based upon the pending Stipulation of counsel, and good cause appearing therefor, the
19 Court finds:

20 1. Parties require additional time to resolve the instant case without the necessity of trial.
21
22 2. Motions are still pending to be heard by this Honorable Court.
23
24 3. Additionally, Counsel for Defendant will be out of the jurisdiction July 22, 2015
25 through August 5, 2015.
26
27 4. Defendant is in custody and does not object to the request for continuance.
28 5. The government does not oppose the request for the continuance.
6. Denial of this request for continuance would deny counsel for defendants

sufficient time within which to be able to effectively and thoroughly research this case further, taking into account the exercise of due diligence.

7. Additionally, denial of this request for continuance could result in a miscarriage of justice.

8. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and 3161(h)(8)(B)(iv).

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the trial date.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendants in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein excludable under the Speedy Trial Act, Title 18, United States Code §§ 3161(h)(7)(A), Title 18, United States Code § 3161(h)(7)(B)(i) and 3161(h)(8)(B)(iv).

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ORDER

IT IS HEREBY ORDERED that the calendar call currently scheduled for August 3, 2015 at the hour of 9:00 a.m. be vacated and continued to _____ at the hour of _____, and the trial currently scheduled for August 10, 2015 at 8:30 a.m. be vacated and continued to _____ at the hour of _____.

DATED AND DONE this ____ day of July, 2015.

UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

/s/ Robert M. Draskovich

Robert M. Draskovich, Esq.
Nevada Bar No. 6275
Attorney for Defendant